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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 12 December 2006 from the Permanent Mission of Malta to the United Nations addressed to the Chairman of the Committee

Within the context of paragraph 11 of resolution 1718 (2006), concerning the Democratic People's Republic of Korea (DPRK), kindly find attached for your attention and necessary action copy of LN 275, which featured in the supplement of the Malta Government Gazzette No. 17994, dated 10 November 2006, transposing Security Council resolution 1718 (2006) on the DPRK (see annex).

The Permanent Mission of Malta to the United Nations would like to inform the Committee that the aforementioned resolution has been implemented effectively as required in paragraph 8 (a) (i) and (ii) of the resolution.

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Prohibition of supply of arms and of luxury goods.

4. (1) The direct or indirect supply, sale or transfer to the DPRK from Malta or by citizens of Malta, or using Malta's flag vessels or aircraft, of arms and luxury goods, whether or not originating from Malta, and the provision of any technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms, is prohibited.

(2) The procurement by citizens of Malta, or using Malta's flag vessels or aircraft, of arms from the DPRK, whether such arms originate in the territory of the DPRK or not, is prohibited.

Entry or transit into Malta of persons involved in nuclear, missile programmes.

5. (1) No persons designated by the Committee or by the Security Council as being responsible for, supporting or promoting the DPRK policies in relation to its nuclear, ballistic missile and weapons of mass destruction related programmes, may enter into or transit through Malta.

(2) The provisions of sub-regulation (1) hereof shall also apply to such persons' family members and nothing shall oblige Malta from refusing entry into its territory to any of its own citizens.

(3) The measures imposed by sub-regulation (1) hereof shall not apply where the Committee determines that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would further the objectives of the Resolution.

Freezing of funds and assets.

6. (1) Any funds, other financial assets and economic resources which are in Malta and which are owned or controlled directly or indirectly by the persons or entities designated by the Committee or by the Security Council pursuant to regulation 5 (1) hereof, or that are held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, shall be immediately frozen.

(2) Such funds, financial assets or economic resources shall be prevented from being made available by any person or entity in Malta to or for the benefit of such persons or entities.

(3) The provisions of this regulation do not apply to funds, other financial assets and economic resources that have been determined by the authorities of Malta:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public

utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for the routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification to the Committee of the intention to authorise, where appropriate, access to such funds, other financial assets and economic resources, and in the absence of a negative decision by the Committee the foregoing shall be effected within five working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien, or of a judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement:

Provided that such lien or judgement was entered prior to the date of the Resolution, that they are not for the benefit of a person referred to in sub-regulation (1) hereof or an individual or entity identified by the Security Council or the Committee, and that they have been notified to the Committee.

Inspection of cargo.

7. It shall be lawful for any person who is authorized to carry out such activity, to inspect cargo to or from the DPRK, as may be necessary, so as to ensure compliance with the prevention of illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials.

Penalty.

8. Any person found guilty of an offence against these regulations shall, on conviction, be liable to a fine *(multa)* not exceeding fifty thousand Maltese liri.